

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE

IN RE: CASE NO. 05-40174)	
)	
JONATHAN JAMES JENKINSON, SR.)	
)	
Debtor)	
)	
)	
SNAP-ON CREDIT, LLC)	
)	
Plaintiff)	
)	
vs.)	PROC. NO. 05-4021
)	
JONATHAN JAMES JENKINSON, SR)	
)	
Defendant)	

DECISION AND ORDER
DENYING MOTION FOR DEFAULT JUDGMENT

At Fort Wayne, Indiana, on January 4, 2006.

Pursuant to Bankruptcy Rule 7004(f), a summons must be served within ten (10) days of the date it was issued. If this is not done, service is defective. In re Cappuccilli, 193 B.R. 483, 486-87 (Bankr. N.D. Ill. 1996); In re Campbell, 105 B.R. 19 (9th Cir. B.A.P. 1989); In re Tuzzolino, 71 B.R. 231, 233 (Bankr. N.D. N.Y. 1986). Here, the summons was issued on May 31, 2005, but was not served upon counsel for the defendant until September 29, 2005¹. By that time, the summons had expired. Plaintiff's motion for default judgment is, therefore, DENIED.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court

¹The court also notes that the summons was not served upon the defendant until July 25, 2005.